



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF P-T-, INC.

DATE: MAR. 18, 2016

APPEAL OF TEXAS SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a software development company, seeks to employ the Beneficiary as a “SAP PI Developer.” It requests classification of the Beneficiary as a member of the professions holding an advanced degree under the second preference immigrant classification. *See* Immigration and Nationality Act (the Act) § 203(b)(2), 8 U.S.C. § 1153(b)(2). The Director, Texas Service Center, denied the petition. The matter is now before us on appeal. We will summarily dismiss the appeal.

The petition was filed on April 30, 2015. The petition was accompanied by an ETA Form 9089, Application for Permanent Employment Certification, which was filed with the Department of Labor (DOL) on August 19, 2014, and certified by the DOL (labor certification) on January 5, 2015.

On June 19, 2015, the Director denied the petition on the ground that the Petitioner did not establish its continuing ability to pay the proffered wage from the priority date of the petition (August 19, 2014) onward. The Petitioner filed a timely appeal.

On December 8, 2015, we issued a request for evidence (RFE). We requested additional documentation to establish the Petitioner’s ability to pay the proffered wage of the job offered from the priority date up to the present. We also requested evidence from the Petitioner regarding two other beneficiaries of Form I-140 petitions it has filed. In addition, we requested additional evidence of the Beneficiary’s employment history. The Petitioner was afforded 87 days to respond to the RFE.

The Petitioner did not respond to the RFE within the 87-day period allowed, or at any time up to the date of this decision. If a petitioner fails to respond to a request for evidence by the required date, the petition may be summarily denied as abandoned, denied based on the record, or denied for both reasons. *See* 8 C.F.R. § 103.2(b)(13)(i). Accordingly, the appeal will be summarily dismissed.

ORDER: The appeal is summarily dismissed as abandoned pursuant to 8 C.F.R. § 103.2(b)(13).

Cite as *Matter of P-T-, Inc.*, ID# 15291 (AAO Mar. 18, 2016)